HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 15th December, 2006
First Bail Application No. 1196 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Dharmendra @ Rajesh,
S/o Late Sri Gyan Chand,
R/o Ghasmandi, Jwalapur,
P.S. Jwalapur, District- Haridwar. …..Applicant (In Jail)

Versus

State of Uttaranchal ……Opposite Party

In Case Crime No. 574 of 2006
U/s 8/20 of N.D.P.S. Act,
P.S. Jwalapur,
District - Haridwar.

Hon'ble Rajesh Tandon, J.

The applicants-Dharamendra, who is Jail in connection with Crime No. 574 of 2006 U/s 8/20 of the N.D.P.S. Act, P.S. Jwalapur, District-Haridwar has applied for bail.

Heard Sri Vivek Shukla, counsel for the applicant and A.G.A. for the State.

According to the prosecution case, the applicant was found in possession of about 2.30 gm Charas and 12 Bottles Bagpiper, when he was going in Maruti Van No. U.A.082 0797.

Counsel for the applicant has submitted that compliance of Section 50 of the N.D.P.S. Act has not been made while recovery and arrest was made.

Counsel for the applicant has also submitted that the quantity of the recovered Charas was less than one kilogram, which is not a commercial quantity.

The applicant has stated that in respect of excise matter, he has been released on bail.

In view of the above, after considering the respective submissions of the parties, A.G.A. has admitted that the commodity recovered is not a commercial quantity.

Without expressing anything on the merit of the case and considering the totality of acts and circumstances, in my opinion, it is a fit case for bail. presumption should be drawn in favour of the applicant that the

Let the accused-applicant be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(Rajesh Tandon, J.)

Dated: 15.12.2006

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